

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

(101)

CWP-20924-2020

Date of Decision: December 14, 2020

Rajiv Jain

.. Petitioner

Versus

SDM cum Tribunal and others

.. Respondents

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Amit Jain, Advocate, for the petitioner.

Ms. Rajni Gupta, Addl. A.G., Haryana.

Mr. Deepinder Singh Patwalia, Sr. Advocate, with
Mr. Kannan Malik, and Mr. J.K. Mittal, Advocates,
for respondent No.2-caveators.

HARSIMRAN SINGH SETHI, J.(ORAL)

Learned counsel appearing on behalf of the petitioner argues that the petitioner was proceeded ex parte without there being any proper service upon the petitioner.

On being pointed out that in the order, which has been impugned before this Court, a fact has been recorded that the petitioner was served but choose not to appear despite service and hence, was proceeded ex parte, learned counsel for the petitioner submits that the said finding of fact in the impugned order is contrary to the facts on record.

As this Court is not competent to decide a disputed question of fact, learned counsel for the petitioner submits that he be allowed to withdraw the present petition, at this stage with liberty to approach the respondent-Tribunal at the first instance raising this grievance qua the impugned order by availing appropriate remedies available under the law.

Learned counsel for the petitioner submits that petitioner also has grievance qua the jurisdiction of the Tribunal, which he would like to raise before the Tribunal and he be allowed to withdraw the present petition with liberty to approach the Tribunal to avail the appropriate remedy for the redressal of the grievance of the petitioner first before the Tribunal.

Dismissed as withdrawn with liberty, as prayed for.

December 14, 2020
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No